

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:10-CR-17-2FL

UNITED STATES OF AMERICA,

Plaintiff,

v.

EARL HARRIS BENNETT,

Defendant.

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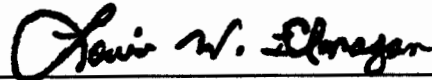
ORDER

Upon consideration of the motion to clarify (DE 156), for good cause shown, the motion is GRANTED. Standing order 11-SO-01 only applies to appointment of counsel with respect to motions or applications for reduction of sentence in accordance with the revised base offense levels for crack cocaine, USSG 2D1.1 and 18 U.S.C. 3582(c)(2), and does not apply to motions seeking relief based upon Dorsey v. United States, 132 S.Ct. 2321, 2326 (2012). Therefore, the court VACATES its text order dated March 12, 2013, and enters the following order with respect to defendant's motion to appoint counsel (DE 151).

To the extent the motion to appoint counsel seeks counsel for representation for reduction in sentence pursuant to the revised base offense levels for crack cocaine, under USSG § 2D1.1 and 18 U.S.C. § 3582(c)(2) the motion is DENIED AS MOOT. However, where the motion to appoint counsel in this case reasonably may be construed as seeking representation for relief pursuant to Dorsey, under circumstances of this case where the defendant was sentenced on May 20, 2011, and where defendant previously demonstrated eligibility for appointment of counsel at government

expense, the motion to appoint counsel is GRANTED. The Federal Public Defender is DIRECTED to enter an appearance on behalf of defendant and present supplemental motion, as warranted, to present the issue raised under Dorsey for resolution by the court.

SO ORDERED, this the 26TH day of March, 2013.

A handwritten signature in black ink, reading "Louise W. Flanagan", written over a horizontal line.

LOUISE W. FLANAGAN
United States District Judge